

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANDREW E. ERICSON,	)	8:11CV432
	)	
Plaintiff,	)	
	)	
v.	)	MEMORANDUM
	)	AND ORDER
MICHAEL J. ASTRUE,	)	
Commissioner of the	)	
Social Security Administration,	)	
	)	
Defendant.	)	

This matter is before the court upon Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (filing [23](#)). Plaintiff's application requested an award of \$7,343.83, including fees for 31.5 hours of work by his attorneys at an average hourly rate of \$175.36,<sup>1</sup> plus 17.1 hours of work by a paralegal at an hourly rate of \$90.00. The parties have since agreed, however, that Plaintiff should receive an award of \$6,500.00 (filing [24](#)).

The court has determined that Plaintiff was indeed the prevailing party in this action, as the Commissioner's decision was reversed and matter remanded for further proceedings; that the position of the Commissioner was not substantially justified; that the application for fees was filed in a timely fashion; and that Plaintiff's net worth did not exceed \$2 million when the action was filed. Plaintiff therefore is entitled to an award of reasonable attorney fees.

Accordingly,

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<sup>1</sup> This average hourly rate equals the statutory maximum of \$125.00, adjusted for inflation since March 1996.

IT IS ORDERED that:

1. Plaintiff's application for attorneys fees pursuant to the Equal Access to Justice Act (filing [23](#)) is granted, but the amount of the award shall be in the amount of \$6,500.00, as agreed by the parties (filing [24](#)).
2. By separate document, the court shall enter judgment for Plaintiff and against Defendant, providing that Plaintiff is awarded attorney fees of \$6,500.00.

January 28, 2013.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge